IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.44426 of 2008
SHAMBHU PRASAD SINHA son of Late Kauleshwar Prasad
Panchayat Secretary, Fatehpur Gram Panchayat, Fatehpur
P.S.- Fatehpur, District- Gaya, at present resident of
Nagamatiya Road, P.S.- Civil Line, District- Gaya
Versus
STATE OF BIHAR
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2 **15.12.2008** Heard learned counsel for the petitioner and Mr. R.P.S. Singh, Addl. P.P. appearing for the State.

The offence alleged is under sections 120B, 420, 466, 467, 468, 474, 477 of the Indian Penal Code.

It has been submitted on behalf of the petitioner that the petitioner is the Panchayat Secretary of the concerned Panchayat and the allegation of illegal demand is not against him. It is further submitted that the complainant herself is not interested in taking the job as would be appearing on perusal of Annexure-2 whereby appointment letter was sent to him, however the letter returned back on refusal. Besides the above it is submitted that on perusal of Annexure-2 it would further appear that the complainant made complain before the District Magistrate whereby only allegation was that persons having lower marks have been appointed and her was not appointed.

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Learned counsel for the complainant has appeared suo motu by filing vakalatnama. He submits that all the accused persons besides not appointing the

complainant have also removed the caste certificate submitted by the complainant along with her application.

Learned Addl. P.P. appearing for the State submits that on perusal of the complaint it would appear that there was irregularity in the appointment as alleged.

Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya, in connection with Fatehpur P.S.Case No. 99 of 2007 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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Manish/- **(Shailesh Kumar Sinha,J.)**